

**McDermott  
Will & Emery**

SEP 22 2004

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Milan  
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C.**FACSIMILE****Date:** September 22, 2004**Time Sent:**

<b>To:</b>	<b>Company:</b>	<b>Facsimile No:</b>	<b>Telephone No:</b>
Mr. Edward Cain	U.S. Patent and Trademark Office	<del>571-273-1118</del> 703-812-9306	
<b>From:</b>	Kenneth L. Cage	<b>Direct Phone:</b>	202.756.8363
<b>E-Mail:</b>	kcage@mwec.com		
<b>Sent By:</b>		<b>Direct Phone:</b>	
<b>Client/Matter/Trpr:</b>	22841-018	<b>Original to Follow by Mail:</b>	No
		<b>Number of Pages, Including Cover:</b>	43
<b>Re:</b>	Copy of May 6, 2004 PTO filing		

**Message:****Dear Mr. Cain:**

Please find a copy of all documents filed on May 6, 2004 and the PTO-stamped postcard reflecting receipt of same. Please let me know if you need any additional documents.

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the below address by mail. Thank you.

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL AS SOON AS POSSIBLE.**

Main Facsimile: 202.756.8087 Facsimile Operator: 202.756.8090

U.S. practice conducted through McDermott Will & Emery LLP.  
600 Thirteenth Street, N.W. Washington, D.C. 20005-3098 Telephone: 202.756.8000

**BEST AVAILABLE COPY**

Docket No.: 22841-018

SEP 22 2004 PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277  
 :  
 NICOLSON et al. : Confirmation Number: 6172  
 :  
 Serial No.: 09/640,526 : Group Art Unit: 1714  
 :  
 Filed: August 17, 2000 : Examiner: Edward Cain  
 :  
 For: EXTENDED WEAR OPHTHALMIC LENS

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in the above-identified application.  
☐ No additional fee is required.

☒ Applicant is entitled to small entity status under 37 CFR 1.27  
 Also attached: Petition for Extension of Time (Three-Months); Information Disclosure Statement, PTO-  
 Form 1449 (6 pp); Sixty-Six (67) References

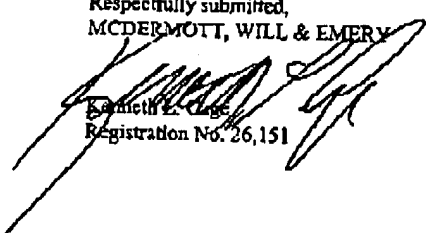
The fee has been calculated as shown below.

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	96	84	12	\$18.00 =	\$216.00
Independent Claims	13	12	1	\$86.00 =	\$86.00
Multiple claims newly presented					\$0.00
Fee for extension of time					\$950.00
					\$0.00
Total of Above Calculations					\$1252.00

☒ Please charge my Deposit Account No. 500417 in the amount of \$1252.00. An additional copy of this transmittal sheet is submitted herewith.

☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 500417, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,  
 MCDERMOTT, WILL & EMERY

  
 Kenneth L. Cline  
 Registration No. 26,151

600 13<sup>th</sup> Street, N.W.  
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 (202) 756-8000 KLC:led  
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 Date: May 6, 2004

Applicant: Paul NICOLSON, et al Docket No. 22841-018

Title: EXTENDED WEAR OPHTHALMIC LENS Serial/Reg./Patent No. 09/640,526

Date Sent: 5/8/2004 ☒ Hand Carried ☐ Fax ☐ Electronic ☐ Cert. of Mailing ☐ Express Mail No

☒ Transmittal Letter

New Patent App ☐ Utility ☐ Design ☐ Cont. ☐ GIP ☐ Div. ☐ PCT ☐ RCE ☐ Prov

☐ Other: \_\_\_\_\_

\_\_\_\_\_ pages of Specification

\_\_\_\_\_ pages of Claims

\_\_\_\_\_ pages of Abstract

\_\_\_\_\_ pages of Formal/Informal Drawings

☐ Small Entity ☐ Large Entity

☐ Declaration/Power of Attorney

☐ Recordation of Assignment/Security Agreement

☒ Information Disclosure Statement

8 pp. Form PTO 1449

57 copies of cited references

☐ Preliminary Amendment

☐ Response to Missing Parts Notice

☐ Resp. to Notice to Correct App. Papers

☐ Certified Copy of Priority Doc.

☐ Claim for Convention Priority

☒ Response/Amendment to Office Action of November 6, 2003

☒ Request for Three month Extension of Time

☐ Letter submitting \_\_\_\_\_ pages of drawings

☐ Req. for Approval of Drawing Amendments

☐ Req. for Oral Hearing

☐ Mot. of Appeal ☐ Appeal Brief ☐ Reply Brief

☐ Rule 312 Amendment/Letter

☐ Req. for Acknowledgment of Cited Art

☐ Issue Fee

☐ Publication Fee

☐ Req. for Certificate of Correction

☐ Maintenance Fee for \_\_\_\_\_ years after grant

☐ Fee Address Indication Form

☐ Terminal Disclaimer

☐ Petition to Commissioner

☐ Status Inquiry

☐ Other \_\_\_\_\_

Check for \$ ☐ Charge Deposit Acct. 5004173 \$1432 Atty Init. KLC Trpt. # 3324 Secy. or PL: L. DONNELLY

CMS Descr.: Code (3): \$302 Code (6): \$950 Code (10): \$180

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

09/22/2004 16:14 FAX 2027568087

McDermott Will Emery

SEP 22 2004

003/043

Interview Summary	Application No.	Applicant(s)	
	09/840,526	NICOLSON ET AL.	
	Examiner	Art Unit	
	Edward J. Cain	1714	

All participants (applicant, applicant's representative, PTO personnel):

(1) Edward J. Cain (3) \_\_\_\_\_

(2) Mr. Cage (4) \_\_\_\_\_

Date of Interview: May 19, 2004

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☒ Personal (copy given to: 1) ☐ applicant 2) ☒ applicant's representative)

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: ALL

Identification of prior art discussed: None

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See below

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Mr. Cage presented and IDS consisting of a summary of litigation concerning parent patents. We will file these with the office today.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Edward J. Cain  
Examiner's signature, if required

U.S. Patent and Trademark Office  
PTOL-413 (Rev. 04-03)

Interview Summary

Form No. 0504